

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Crl.MC.No. 7050 of 2015 ()

IN SC 622/2011 of 1ST ADDITIONAL DISTRICT AND SESSIONS COURT, ,PALAKKAD

CRIME NO. 71/2011 OF ALATHUR POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED:

- 1. SUMESH AGED 27 YEARS
S/O. VELU, KIZHAKKEVEEDU, VANGANOOR
ALATHUR, PALAKKAD DISTRICT**
- 2. RAMACHANDRAN AGED 27 YEARS
S/O. BALAKRISHNAN, KALLAMKUNNU HOUSE
KURIAPPILLI BHAGOM, KATTUSSERY, ALATHUR
PALAKKAD DISTRICT**

**BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)**

RESPONDENT(S)/STATE AND CW1-VICTIM, CW2 AND MOTHER OF THE VICTIM:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM PIN 682 031**
- 2. SHAFEEEDHA, AGED 18 YEARS
D/O. SIDDHIQUE, PARAKKAL HOUSE, KATTUSSERY
ALATHUR, PALAKKAD DISTRICT - 678 541**
- 3. SIDDHIQUE, AGED 52 YEARS
S/O. VELLAKKUTTY, PARAKKAL HOUSE, KATTUSSERY
ALATHUR, PALAKKAD DISTRICT - 678 541**
- 4. UMAIBA , AGED 45 YEARS
W/O. SIDHIQUE, PARAKKAL HOUSE, KATTUSSERY
ALATHUR, PALAKKAD DISTRICT - 678 541**

**R2-R4 BY ADV. SRI.M.REVIKRISHNAN
R1 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7050 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1	COPY OF THE FINAL REPORT IN CRIME NO 71 OF 2011 OF ALATHUR POLICE STATION
ANNEXURE A2	THE AFFIDAVIT DATED 27-10-2015 SWORN BY THE 2ND RESPONDENT HEREIN
ANNEXURE A3	THE AFFIDAVIT DATED 27-10-2015 SWORN BY THE 3RD RESPONDENT HEREIN
ANNEXURE A4	THE AFFIDAVIT DATED 27-10-2015 SWORN BY THE 4TH RESPONDENT HEREIN

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P.UBAID, J.

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Crl.M.C.No.7050 of 2015
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Dated this the 19th day of November, 2015

ORDER

The petitioners herein are the two accused in S.C.No.622 of 2011 of the First Additional District and Sessions Court, Palakkad. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 341, 354 and 509 read with Section 34 of the Indian Penal Code on the complaint of one Siddique, who is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. The other victim of offence is the 2nd respondent in this proceeding. She has also filed

affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now. Respondent No.4 is the mother of the victim. She has also filed affidavit to the effect that the whole dispute stands amicably settled. The learned Public Prosecutor submitted on instruction that the petitioners are not involved in any other crime.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose

other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C.No.622 of 2011 of the First Additional District and Sessions Court, Palakkad will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE